

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

) Magistrate Docket No **08 MJ 0564**  
JUL 16 2008 LB 26 AM 9:48

Plaintiff,

) CLERK, U.S. DISTRICT COURT  
COMPLAINT FOR VIOLATION OF  
SOUTHERN DISTRICT OF CALIFORNIA

v.

) Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

**Sergio GALINDO-Polanco,**

DEPUTY

Defendant

)

The undersigned complainant, being duly sworn, states:

On or about **February 24, 2008** within the Southern District of California, defendant, **Sergio GALINDO-Polanco**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th DAY OF FEBRUARY 2008.**

  
Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Sergio GALINDO-Polanco****PROBABLE CAUSE STATEMENT**

On February 24, 2008, Border Patrol Agent A. Mendoza was performing my assigned duties in the Campo Border Patrol Station's area of responsibility. At approximately 8:00 p.m., Agent Mendoza responded to assist Agents in locating a group of ten individuals south of the Campo Senior Center. This area is located approximately ten miles east of the Tecate, California Port of Entry and approximately half a mile north of the United States/Mexico International Boundary. While responding to the location Border Patrol Agent M. Tinoco, who was assigned as an Infrared scope operator in the area, informed Agent Mendoza that he was observing a group of three individuals separating themselves from the group and were running south towards the United States/Mexico International boundary. Agent Mendoza was able to locate fresh footprints for the three individuals and he began to follow the footprints.

Agent Tinoco informed Agent Mendoza that the subjects were approximately twenty yards south of his location. At approximately 8:30 p.m., Agent Mendoza found two individuals attempting to conceal themselves in the surrounding brush. Agent Mendoza immediately identified himself as a United States Border Patrol Agent and questioned both individuals as to their citizenship. Both subjects, including the defendant, later identified as **Sergio Galindo-Polanco**, admitted to having entered the United States illegally without any immigration or travel documents that would allow them to be in, or remain in the United States legally. Both subjects also admitted to being citizens of Mexico. Both individuals were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 8, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.